

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 TOMAS AFEWORKI,)
)
10 Petitioner,) Case No. C09-535-RAJ-BAT
)
11 v.)
) **ORDER OF DISMISSAL**
12 DAN BAILEY,)
)
13 Respondent.)
)
14

15 The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas
16 corpus (Dkt. 4), the Report and Recommendation ("R&R")¹ of United States Magistrate Judge
17 Brian A. Tsuchida, the governing law, and the balance of the record, does hereby find and
18 ORDER:

- 19 (1) The Court adopts the Report and Recommendation;
20 (2) Petitioner's petition for writ of habeas corpus (Dkt. 4) is DISMISSED with
21 prejudice;
22 //

23 ¹ Mr. Afeworki did not object to the R&R. The record indicates that Mr. Afeworki updated his address shortly after the court mailed the R&R to him, and that the R&R was initially returned to the court as undeliverable. The court mailed the R&R again, this time to Mr. Afeworki's updated address. This court then waited more than six weeks after the second mailing. Mr. Afeworki neither objected to the R&R nor filed any other document after receiving the R&R.
ORDER OF DISMISSAL – 1

1 (3) The Clerk of Court is directed to send copies of this Order to petitioner and to
2 Magistrate Judge Brian A. Tsuchida.

3 DATED this 23rd day of November, 2009.

4 
5

6 The Honorable Richard A. Jones
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23